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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/218,817	12/22/1998	MICHAEL JOSEPH GARDNER	1170	2549
28004	7590	06/14/2005	EXAMINER	
SPRINT			HARPER, KEVIN C	
6391 SPRINT PARKWAY				
KSOPHT0101-Z2100			ART UNIT	
OVERLAND PARK, KS 66251-2100			PAPER NUMBER	
			2666	

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/218,817

Applicant(s)

GARDNER, MICHAEL JOSEPH

Examiner

Kevin C. Harper

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 56-75 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 56-75 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 56-58, 61-63, 66-68, and 71-73 are rejected under 35 U.S.C. 102(e) as being anticipated by Chu et al. (US 5,956,334).

1. Regarding claims 56, 62-63, 66 and 72-73, Chu discloses a communications system (fig. 3) comprising a first switching system (item 100.2) coupled to a first connection and a second connection (item 106; fig. 6, steps 30-40; note: the first switching system chooses an available trunk to the ATM network) for a first and second call, respectively (fig. 7, step 130), where the second connection is chosen for a second call when the first connection is unavailable (fig. 6, steps 30-40). The system also comprises a second switching system coupled to the first connection to receive the first call and coupled to a third connection to receive the second call (fig. 6, step 80 and fig. 7 step 120; note: the third connection is in trunk 107 of fig. 3). The system further comprises an asynchronous matrix (fig. 3, items 301-302) coupled to the first a first link (dotted line to CP 100.1 or CP 102.1), the second connection (item 106) and the third connection (item 107) and to route the second call over using an asynchronous connection (fig. 4, step 80 and fig. 6, step 70). The system additionally comprises a non-resident signaling processor (fig. 1, CP 100.1 or 102.1) coupled to the first link and to a second link (line to SF or line between the CPs), the processor is configured to receive an initial address message for the second call from the second link (col. 6, lines 10-15), to process the IAM to select an asynchronous connection and indicate the connection in the control message transferred to the

Art Unit: 2666

first link (col. 6, lines 25-30). The call is processed based on a called number (col. 5, lines 38-40; col. 1, lines 52-56).

2. Regarding claims 57-58 and 67-68, the connections are TDM (col. 5, line 3) and the asynchronous matrix includes interworking units for conversion between TDM and ATM (col. 6, lines 36-40).

3. Regarding claims 61 and 71, the processor selects the third connection (col. 6, lines 23-25).

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 59-60, 64, 69-70 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chu et al. (US 5,956,334) in view of DuRee (US 6,067,299)

The DuRee reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in

Art Unit: 2666

the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

4. Regarding claims 59-60 and 69-70, Chu discloses an ATM system but does not disclose an echo canceller. DuRee discloses an echo canceller for an ATM network (fig. 3 item 354). A signaling processor chooses an asynchronous matrix channel configured to perform echo canceling based on an IAM message (col. 4, line 66 through col. 5, line 17). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have an echo canceller in the invention of DuRee in order to suppress echoes caused by the ATM network (DuRee, col. 1, lines 37-43).

5. Regarding claims 64 and 74, Chu discloses an ATM system interconnecting a TDM system (fig. 3). However, Chu does not disclose a service control point. DuRee discloses a service control point for exchanging signaling information (col. 3, lines 50-65). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have an SCP in the invention of Chu in order to route signaling information among signaling processors over large distances or to manage the distribution of signaling messages among several signaling processors.

Claims 65 and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chu et al. (US 5,956,334).

6. Regarding claims 65 and 75, Chu discloses the availability of a link (fig. 4, step 60). However, Chu does not disclose that a link is unavailable due to high traffic. One skilled in the

Art Unit: 2666

art would recognize that a link is unavailable for several reasons, such as congestion (high traffic or utilization), failure, or high delay. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to choose an available link where an other link is unavailable due to high traffic in the invention of Chu in order to successfully route a call through the network.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Riggan et al. (US 5,898,673) discloses routing data excess data over a PSTN rather than over an ATM network (abstract, last eleven lines).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

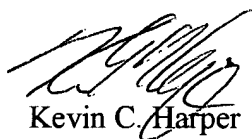
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2666

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:30 AM to 7:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 571-272-3174. The centralized fax number for the Patent Office is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see [portal.uspto.gov](http://portal.uspto.gov). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin C. Harper

June 5, 2005



DANG TON  
PRIMARY EXAMINER